

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RIVERBEND ENVIRONMENTAL SERVICES, LLC

PLAINTIFF

vs.

CIVIL ACTION NO. 5:22-CV-31-DCB-BWR

CRUM & FORSTER SPECIALTY INSURANCE COMPANY

DEFENDANT

ORDER

THIS MATTER is before the Court on Riverbend Environmental Services, LLC ("Plaintiff")'s Motion to Supplement its Memorandum [67] in Support of its Motion [66] to Refer the Issues of the Policy Period and Cancellation to the Bankruptcy Court. [ECF No. 95]. Defendant Crum & Forster Specialty Insurance Company ("Defendant") opposes the motion. [ECF No. 102]. After reviewing the parties' submissions and applicable law, the Court, in its discretion, has decided to grant the Motion to Supplement.

According to Plaintiff, the purpose of its Motion to Supplement is to bring a recent opinion that was issued by Judge Samson of the Bankruptcy Court of the Southern District of Mississippi, In re Knight, No. 15-50011-KMS, 2023 WL 5024024 (Bankr. S.D. Miss. Aug. 7, 2023), to this Court's attention in connection with the Court's consideration of Plaintiff's pending

Motion [66] to Refer. [ECF No. 95] at 2. In opposition, Defendant states that it has no objection to the Court considering relevant authority, but that In re Knight is irrelevant to the facts of this case. [ECF No. 102] at 1.

"Courts have consistently allowed parties to refile or amend motions and supporting documents as a valid exercise of their discretion in case management." United States v. Filson, 347 F. App'x 987, 991 & n.3 (5th Cir. 2009); see also Ortiz v. Minnesota Life Ins. Co., No. 420CV00923SDJCAN, 2023 WL 3993047, at *3 (E.D. Tex. June 9, 2023) (court has discretion to grant a motion for leave to supplement an already-filed motion); accord Cadena Cazares v. Ortho El Paso, P.A., No. EP-20-CV-5-PRM, 2020 WL 7674326, at *2 (W.D. Tex. July 20, 2020) (citing 5 CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1194 (3d ed. 2020)) ("The decision to grant a motion for leave to supplement a motion is within the Court's discretion."). "The use of judicial discretion seems especially appropriate if the adverse parties will not be prejudiced by the amendment to the motion" § 1194 Amendment of Motions, 5 Fed. Prac. & Proc. Civ. § 1194 (4th ed.).

Because the Court has given equal consideration to both parties' briefs and the opposing interpretations of In re Knight contained therein, the Court finds that no prejudice will result

to Defendant if the Motion to Supplement is granted.

Accordingly,

Plaintiff's Motion to Supplement its Memorandum in Support of its Motion to Refer the Issues of the Policy Period and Cancellation to the Bankruptcy Court [ECF No. 95] is **GRANTED**.

SO ORDERED AND ADJUDGED this 25th day of October 2023.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE